

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES : **3:16-CR-16**
v. :
(JUDGE MANNION)

SHANNON HIGGINS,
Defendant

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. Higgins' Motion for Compassionate Release because of the COVID-19 pandemic, (**Doc. 26**), is **DISMISSED WITHOUT PREJUDICE** for failure to comply with the exhaustion requirement under §3582(c)(1)(A)(i) since he filed his motion without first submitting a request to the Warden of FCI Cumberland.
2. Insofar as Higgins is seeking the court to direct the BOP to find him eligible for home confinement designation under the CARES Act, his motion is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

3. Higgins' request for appointment of counsel, (Doc. 26 at 2), is **DENIED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: October 19, 2020

16-16-01-ORDER